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ATTORNEYS FOR DEFENDANT,
UNION PACIFIC RAILROAD COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2018, a true and correct copy of the above and foregoing instrument is being served via the Court's CM/ECF system in accordance with the Federal Rules of Civil Procedure.

/s/ John W. Proctor
JOHN W. PROCTOR

Def No.	Date Offered	Admitted	Description of Exhibit Bates number	Description of Exhibit
			Bates labeled as UP	
1			669	Photo by Timothy Parker
2			672	Photo by Timothy Parker
3			673	Photo by Timothy Parker
4			688	Photo by Trent Moyers
5			689	Photo by Trent Moyers
6			690	Photo by Trent Moyers
7			694	Photo by Trent Moyers
8			696	Photo by Trent Moyers
9			697	Photo by Trent Moyers
10			698	Photo by Trent Moyers
11			001674	Photo by Trent Moyers
12			001444	Photo from Newspaper Photo Gallery
13			001445	Photo from Newspaper Photo Gallery
14			001446	Photo from Newspaper Photo Gallery
15			001447	Photo from Newspaper Photo Gallery
16			001448	Photo from Newspaper Photo Gallery
17			001452	Photo from Newspaper Photo Gallery
18			001457	Photo from Newspaper Photo Gallery
19			001458	Photo from Newspaper Photo Gallery
20			001474	Photo by Samantha Rickard
21			001475	Photo by Samantha Rickard
22			001476	Photo by Samantha Rickard
23			001477	Photo by Samantha Rickard
24			001478	Photo by Samantha Rickard
25			001479	Photo by Samantha Rickard
26			001481	Photo taken by Terrell Anderson
27			001482	Photo taken by Terrell Anderson
28			001488	Photo taken by Terrell Anderson
29			001947	2009 Culvert photo
30			001948	2009 Culvert photo
31			000629	FEMA flood Map

32			001526-001527	MP 1.57 Culvert Inspection (refreshed on 3-07-18)
33			001584	1982 Topographical Map - Timber Drive
34			001585	2004 Aerial photo 120 Timber Drive
35			001586	2012 Aerial Photo 120 Timber Drive
36			001587	Google Map - Earth photo
37			001588	Year 1947 Timber Drive Photo
38			001589	Year 1969 Topographical Map - Timber Drive
39			001641-001643	Preston and Denver's Territory
40			002603-002604	Elias Puga Tickets (worked on) from 4-25-16 to 5-08-16
41			002608-002623	Certified Copy of US Department of Commerce for Data Admin, National Centers for Environmental Information (weather records)
42			002040-002049	Ben E. Keith Civil Plans provided to Benedict
43			002050-002063	Ben E. Keith Photographs provided to Benedict
44				CV Benedict
45			002494-002495	Benedict - Publications and Presentation past 10 years
46				Rusk CV
47			002386-002422	Documents Rusk References in his report not previously produced
48			002423-002427	Documents given to Rusk for his review not previously bates labeled
49				Razavian CV
50				Strahm CV
51			Defendant's depo exhibit 28	3-13-18 Texas Farm Bureau Insurance Letter to Whom it May Concern re payment for Dodge Sedan Bates Nos. JOHNSON 009551-9554
				<u>Plaintiff's depo exhibits</u>
52				1
53				2
54				3
55				6
56				7
57				8
58				9
59				10

60				11
61				12
62				13
63				40
64				46
65				47
66				48
67				49
68				53
				Joe Asberry depo exhibits
69			Defendant's depo exhibit 60	Diagram of Area around Timber Drive, with markings made by witness
				Barry Benedict depo exhibits
70			Defendant's depo exhibit 133	Benedict Depo exhibit – CV
				Alan Blackwell depo exhibits
71			Plaintiff's depo exhibit 127	CV
				Berto Clark depo exhibits
72			Defendant's depo exhibit 25	A copy of a FEMA letter
73			Defendant's depo exhibit 26	A copy of a 12-page handwritten document Bates labeled JOHNSON 004454-004465
				Jimmy Davis depo exhibits
74			Defendant's depo exhibit 2	Photograph (UP 001471)
75			Defendant's depo exhibit 11	Photograph (UP 001480)
76			Defendant's depo exhibit 14	Photograph (no bates)
				John Dougherty Depo exhibits
77			Defendant's depo exhibit 83	Photograph JOHNSON 02727 0499
78			Defendant's depo exhibit 84	Palestine police department Offense/Incident report
79			Defendant's depo exhibit 86	One page diagram of Timber Creek, Pinewood Drive and Variah Street with names of residents
				Floyd Ellis depo exhibits
80			Defendant's depo exhibit 90	6-22-18 Letter from Ellis to Roberts (JOHNSON 012378-012411)
81			Defendant's depo exhibit 91	6-22-18 Letter from Ellis to Roberts (JOHNSON 012314-012377)
82			Defendant's depo exhibit 92	6-27-18 Letter from Ellis to Roberts (JOHNSON 012190-012230)

				Ron Fix Depo exhibits
83			Defendant's depo exhibit 110	Fix Exhibit A – hourly Rates
84			Defendant's depo exhibit 111	Fix Invoices (JOHNSON 013432-013440)
85			Defendant's depo exhibit 112	Fix depo exhibit – drainage flow pattern based on field observations (Gilver Exhibit C)
86			Defendant's depo exhibit 113	Fix Depo exhibit - Drainage basins with Centroids flow at UP CMP Culvert
87			Defendant's depo exhibit 114	Fix Depo Exhibit - Palestine Texas Flooding Drainage Study Site Location, Watershed and Inundation Map (JOHNSON 010567)
88			Defendant's depo exhibit 115	Fix Depo exhibit - Robert and Roberts letters to Givler dated 8-22-18, 8-21-18 and 8-20-18 with a bill from Givler Engineering, Inc.
				David Givler Depo exhibits
89			Defendant's depo exhibit 114B	Givler depo exhibit - Smaller version of original 114
90			Givler exhibit	Givler depo exhibit - Cases for which David Givler has testified as an expert witness within the last four years or more Revised 8-22-18
91			Plaintiff's depo exhibit 117	Givler engineering letter dated 10-29-18 to Chamness and Roberts re Proposal no 1 for Professional Services Drainage Study JOHNSON 011066-011068
92			Plaintiff's depo ex 118	Givler Depo Exhibit – Invoices to Roberts and Roberts JOHNSON 011069-011100
93			Plaintiff's depo ex 119	Givler Depo Exhibit – B/W photos of an aerial photo, UP 001588
				Jamie Handsborough depo exhibits
94			Plaintiff's depo ex 113	Color photo (JOHNSON 002090)
95			Plaintiff's depo ex 114	Color photo (JOHNSON 002091)
				Robert Herrington depo exhibits
96			Plaintiff's depo ex 122	Record of climatological observations for Palestine, Texas April 1-30, 2016

97			Defendant's depo exhibit 50	Press Releases, update – Missing Anderson County flooding victim found dead; grea –KYTX CBS19.tv. – News, Weather & Sports. “Tyler – Longview”
98			Defendant's depo exhibit 51	Screenshot of tweet by @BrianNEWCBS, April 30, 2016
				Kelly Hughes Deposition exhibits
99			Defendant's depo exhibit 52	April 30, 2016 Photo depicting J.P. Manley
				Gerald Jordan
100			Defendant's depo exhibit 68	July 13, 2016 correspondence from FEMA to Metra White JOHNSON 009xxxx(??)
				John Manley depo exhibits
101			Defendant's exhibits	Fire Department Report JOHNSON 000766-000773
102			D71	Photograph 2016/04/30 00:21:04
103			D72	Photograph 2016/04/30 00:28:45
104			D73	Photograph 2016/04/30 00:28:48
105			D74	Photograph 2016/04/30 00:29:32
106			D75	Photograph 2016/04/30 00:30:19
107			D76	Photograph 2016/04/30 00:30:28
108			D77	Photograph 2016/04/30 00:30:46
109			D78	Photograph 2016/04/30 00:30:51
110			D79	Photograph 2016/04/30 00:39:01
111			D80	Photograph 2016/04/30 00:36:10
112			D82	Photograph 2016/04/30 00:41:17
113			D84	Palestine Police Department Offense/ Incident Report
114			D85	Photograph 2016/04/30 00:41:35
115			Defendant's depo exhibit 86	One page diagram of Timber, Pinewood and Variah with names of residents
				Carolyn Moore depo exhibits
116			Defendant's depo exhibit 20	Anderson County appraisal district document (JOHNSON 004655-004658)
117			Defendant's depo exhibit 22	Anderson County appraisal district document (JOHNSON 004659)
				James Muniz Depo exhibits
118			Defendant's depo exhibit 30	Article from the Weather Channel
				Tye Parzybok Depo Exhibits
119			Plaintiff's depo ex 126	Parzybok – Radar map

120			Defendant's depo exhibit 96	Parzybok – MetStat Invoice
121			Defendant's depo exhibit 99	Parzybok Depo exhibit – Technical Memorandum
122			Defendant's depo exhibit 100	Parzybok Depo Exhibit – Atlas Annual Maxima
123			Defendant's depo exhibit 101	Parzybok Depo Exhibit – Precipitation Atlas
124			Defendant's depo exhibit 102	Parzybok Depo exhibit - Technical Paper 40
125			Defendant's depo exhibit 103	Parzybok Depo exhibit - NWS Hydro 35
				Tim Perry Depo exhibits
126			Defendant's depo exhibit 54	Aerial photo superimposed with diagram “Water and Waste Water System)
127			Defendant's depo exhibit 55	Aerial photo, zoomed out, depicting Timber Drive and surrounding area, superimposed with diagram “Water and Waste Water System”
				Elias Puga Depo exhibits
128			Defendant's depo exhibit 125	Witness’s Work Record – Puga
129			Plaintiff's depo ex 133	Photo
130			Plaintiff's depo ex 134	Photo
131			Plaintiff's depo ex 135	Photo
				Bryan Rappolt depo exhibits
132			Plaintiff's depo ex 152	Rappolt depo exhibit –Figure 1; the locations of the GWS rain estimation centroid (LOE) and the MetStt rain estimation centroid (MSC)
133			Defendant's depo exhibit 129	Rappolt CV
				Kenneth Rusk Depo exhibits
134			Plaintiff's depo ex 138	Rusk depo exhibit – Letter
				Alan Steinman depo exhibits
135			Plaintiff's depo ex 122	Steinman depo exhibit- Fee Invoices
				Barbara Willis depo exhibits
136			Defendant's depo exhibit 23	Anderson County Appraisal District (JOHNSON 04483-004886)

137			JOHNSON 000001-000064	Palestine Police Department's 911 Calls
138			JOHNSON 000065-000074	Palestine Police Department's 911 Log
139			JOHNSON 000075-000081	Palestine Police Departments' Offense/Incident Report
140			JOHNSON 000082-000085	Palestine Police Department's Incident Report Narratives
141			JOHNSON 000086	Palestine Police Department's Call Sheet Report for 117 Timber Drive
142			JOHNSON 000087-000089	Palestine Police Department's Call Sheet Report for 121 Timber Drive
143			JOHNSON 000090-000094	5 body camera videos (with audio) taken by Palestine Police Department the night of the incident.
144			JOHNSON 000095-000203	109 photographs of the incident taken by the Palestine Police Department
145			JOHNSON 000204-000765	562 Dispatch recordings taken by Palestine Police Department
146			JOHNSON 000766-000773	Palestine Fire Department Report for arrival time of 12:19 a.m.
147			JOHNSON 000774-000781	Palestine Fire Department Report for arrival time of 12:40 a.m.
148			JOHNSON 000782-000790	Palestine Fire Department Report for arrival time of 3:20 a.m.
149			JOHNSON 000791-000793	3 helmet camera videos with audio) taken by Palestine Fire Department the night of the incident
150			JOHNSON 000840	Letters of Independent Administration for Lenda Asberry
151			JOHNSON 000863	Letters of administration for Vonnaejah Johnson
152			JOHNSON 000890	Letters of Administration for Devonte Johnson
153			JOHNSON 000915	Letters of Administration for Von Anthony Watkins, Jr.
154			JOHNSON 000940	Letters of Administration for Ja'Monica Johnson
155			JOHNSON 001820	Rainfall Data from 1-01-2016 to 9-22-2016 collected from the Westwood ISD weather site in Palestine, Texas
156			JOHNSON 001821	NOAA Monthly Weather Summary from the NASA Columbia Balloon Facility at the Palestine Airport
157			JOHNSON 001822-001831	Rainfall data from 1-01-2016 to 9-26-2016 collected from The Palestine Co-Op weather site in Palestine, Texas
158			JOHNSON 001832	Rainfall data from 4-01-2016 to 5-30-2016 collected from the Mud Creek weather site near Jacksonville, Texas
159			JOHNSON 001833	Rainfall data from 4-01-2016 to 5-30-2016 collected from the Neches River weather site near Neches, Texas

160			JOHNSON 001834-002725	892 photographs taken or collected after the flood showing the railroad right-of-way, the neighborhood, flood levels, drainage system, culvert, and relevant areas
161			JOHNSON 004118-004119	Easement Deed for railroad Right-of-way dated 5-23-1874
162			JOHNSON 004120-004121	Easement Deed for railroad Right-of-way dated 5-28-1874
163			JOHNSON 004122	Preliminary Plat of Pinewood Subdivision dated 8-01-1979
164			JOHNSON 004123	Final Plat of Pinewood Subdivision dated 9-21-1979
165			JOHNSON 004124	City of Palestine Flood Mitigation Plan Map dated 6-26-2000
166			JOHNSON 004125	City of Palestine Development Services Map dated 10-24-16
167			JOHNSON 004126-004281	Palestine Development Code in effect on 4-30-16
168			JOHNSON 005261-005314	City of Palestine Flood Mitigation Plan prepared by Klotz Associates June 2000
169			JOHNSON 005335-005351	Residential Lease for 123 Timber Drive - Dolores Moore's Property Damage
170			JOHNSON 005368-005385	Anderson County's 911 Calls
171			JOHNSON 013697	Image of Radar coverage
172			JOHNSON 013803	video Daniel Hudnall referenced in his deposition.
				Documentation of William Adcock's property damage
173			JOHNSON 004360-004363	Anderson County Appraisal District Account Details for home -
				Documentation of Carolyn and Johnny Anthony's property damage
174			JOHNSON 004401-004404	Anderson County Appraisal District Account Details for home
175			JOHNSON 009745	FEMA Application Status
				Documentation of Linda and Henry Buckley's property damage
176			JOHNSON 009746-009747	FEMA Application Status
				Documentation of Berto Clark's property damage
177			JOHNSON 004466-004469	Anderson County Appraisal District Account Details for home
178			JOHNSON 009578-009580	Letter from FEMA dated 7-06-16
				Documentation of Lisa and Jimmy Davis's property damage
179			JOHNSON 004507-004510	Anderson County Appraisal District Account Details for home
180			JOHNSON 009871-009873	Letter from FEMA dated 7-06-16
				Documentation of Tony Handsborough's property damage
181			JOHNSON 004528-004531	Anderson County Appraisal District Account Details for home

				Documentation of Gloria Henry's property damage
182			JOHNSON 004556-004559	Anderson County Appraisal District Account Details for home
				Documentation of Gerald Jordan and Metra White's property damage
183			JOHNSON 009874-009875	Letter from FEMA dated 7-13-16
184			JOHNSON 009876	Letter from FEMA dated 7-20-16
185			JOHNSON 009877-009878	Letter from FEMA dated 8-02-16
186			JOHNSON 009879-009884 bates labeled wrong on pleading (9798-9884)	FEMA Application
187			JOHNSON 009885	Letter to FEMA dated 8-16-16
188			JOHNSON 009886-009887	Letter from FEMA dated 8-23-16
				Documentation of Dolores Moore's property damage
189			JOHNSON 004655-004658	Anderson County Appraisal District Account Details for home 111 Timber Drive
190			JOHNSON 004659-004662	Anderson County Appraisal District Account Details for home 113 Timber Drive
				Documentation of Concepcion Ramirez's property damage
191			JOHNSON 004688-004691	Anderson County Appraisal District Account Details for home
				Documentation of Anita Ruiz and Horacio Olvera's property damage
192			JOHNSON 004693-004696	Anderson County Appraisal District Account Details for home
				Documentation of Lillie Stephen's property damage
193			JOHNSON 004803-004806	Anderson County Appraisal District Account Details for home
				Documentation of Garland and Jannie Wilson's property damage
194			JOHNSON 004878-004882	Anderson County Appraisal District Account Details for home
				Documentation of Barbara Willis's property damages
195			JOHNSON 004883-004886	Anderson County Appraisal District Account Details for home
				<u>ALAN J. BLACKWELL DOCUMENTS</u>
196				Blackwell invoices
197				Blackwell list of testimony
				<u>ALAN STEINMAN DOCUMENTS</u>
198				Steinman rate sheet

199				Steinman list of testimony
200				Steinman invoices
				<u>TYE PARZYBOK DOCUMENTS</u>
201				Parzybok Post depo letter
202				Parzybok list of testimony
203				Parzybok invoices
204				Parzybok rate sheet
				<u>DAVID GIVLER DOCUMENTS</u>
205				Givler list of testimony
206				Givler invoices
207				Givler Rate sheet
				<u>FLOYD ELLIS DOCUMENTS</u>
208				Ellis list of testimony
209				Ellis invoices
210				Ellis Rate Sheet
				<u>RON FIX DOCUMENTS</u>
211				Fix list of Testimony
212				Fix invoices
213				Fix rate sheet